

Dean Gazzo Roistacher LLP
Lee H. Roistacher, Esq. (SBN 179619)
440 Stevens Avenue, Suite 100
Solana Beach, CA 92075
Telephone: (858) 380-4683
Facsimile: (858) 492-0486
E-mail: lroistacher@deangazzo.com

Attorneys for Defendants
State of California by and through California
Highway Patrol and Officer Ramon Silva

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SANDRA KIRKMAN AND
CARLOS ALANIZ,
INDIVIDUALLY AND AS
SUCCESSORS-IN-INTEREST TO
JOHN ALANIZ, DECEASED,

Plaintiff,

v.

STATE OF CALIFORNIA;
RAMON SILVA; AND DOES 1-10,
INCLUSIVE,

Defendant.

Case No.: 2:23-cv-07532-DMG-SSC

**OPPOSITION TO PLAINTIFFS'
MOTION IN LIMINE 3 TO
EXCLUDE INFORMATION
UNKNOWN TO DEFENDANT
RAMON SILVA AT TIME OF
INCIDENT**

Courtroom: 8C
Judge: Hon. Dolly M. Gee

FPTC: March 25, 2025, 2:00 p.m.

Trial Date: April 15, 2025, 8:30 a.m.

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INTRODUCTION

This case arises out of the fatal shooting of John Alaniz by California Highway Patrol Officer Ramon Silva.

John Alaniz tried to kill himself by jumping in front of a big-rig on the I-105 freeway. Upon contact with the officers, Alaniz ignored commands to remove his hands from his pocket until he pulled object(s) from his pocket and immediately charged directly at the officers with his hands together and outstretched in front of him in the classic “shooter's stance.” Reasonably believing Alaniz had a gun and was going to shoot (as anyone would), Silva responded with objectively reasonable deadly force.

Plaintiffs are Alaniz’s parents and they seek damages on his behalf for the loss of his ability to enjoy his life (survivor damages) and on their own behalf for the loss of care, comfort, society and support (wrongful death damages).

Plaintiffs seek to exclude from evidence a number of things under the reasoning that Officer Silva was unaware of them at the time of the shooting: (1) evidence that Alaniz was under the influence of drugs at the time of the incident; (2) a glass pipe that was in Alaniz’s possession; (3) Alaniz’s medical records referencing cannabis abuse; (4) Alaniz’s criminal history; and (5) 911 calls.¹

Defendants do not intend to offer evidence of Alaniz’s criminal history. Nor do defendants intend to offer into evidence the 911 recordings or transcripts of those recordings. Defendants will also not introduce evidence to show Alaniz was under the influence of any drugs at the time of the incident.

The Court should deny the remainder of the motion.

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¹ Though stating they seek to exclude “police records relating to the incident” in the notice of motion and introduction, plaintiffs never identify these records and never address the issue further. Defendants accordingly cannot meaningful respond and this Court should deny this portion of the motion for these reasons.

ARGUMENT

A. Evidence of Alaniz’s History Of Drug Use Is Admissible

Defendants will be introducing evidence of Alaniz’s history of drug use, but not for liability purposes. That evidence is relevant to damages, an issue plaintiffs ignore.

Plaintiffs seek damages for the impairment of their relationship with Alaniz. Alaniz’s drug use is directly relevant to that relationship as many courts have found. *Trejo v. Cal. Forensic Med. Grp.*, 2024 U.S. Dist. LEXIS 164738, at *6 (S.D. Cal. Sep. 12, 2024); *Peck v. Cty. of Orange*, 2023 U.S. Dist. LEXIS 237801, at *15 (C.D. Cal. May 22, 2023); *V.V. v. City of L.A.*, 2022 U.S. Dist. LEXIS 153572, at *15 (C.D. Cal. July 6, 2022); *Castro v. Cty. of L.A.*, 2015 U.S. Dist. LEXIS 103945, at *20 (C.D. Cal. Aug. 3, 2015).

Drug use is also relevant to plaintiffs’ claim for Alaniz’s “loss of life” damages. These damages, otherwise known as “hedonic” damages, “purport to compensate a victim for the lost pleasure he would have enjoyed from his life.” *Valenzuela v. City of Anaheim*, 29 F.4th 1093, 1096 (9th Cir. 2022). Drug use and abuse, among other things, is relevant evidence for the jury to consider in evaluating the quality of Alaniz’s life. *Silva v. Chung*, 2019 U.S. Dist. LEXIS 90091, at *16 (D. Haw. May 29, 2019) (“Defendants are able to inquire with witnesses about the Decedent's quality of life, including his history of drug abuse and mental illness for purposes of damages. [¶] The Decedent's history of drug abuse and mental health treatment are relevant to the issue of life expectancy, occupation, and enjoyment of life.”) (citing *Castro*, 2015 U.S. Dist. LEXIS 103945, at *20); *N.W. v. City of Long Beach*, 2016 U.S. Dist. LEXIS 194469, at *14 (C.D. Cal. June 7, 2016) (history of drug use relevant to “life expectancy . . . , health, habits, activities, [and]]lifestyle.”).

Moreover, plaintiffs denied in their depositions having any knowledge of Alaniz’s drug use. Roistacher Declaration, Exh. 3 (Sandra Kirkman Deposition),

1 pp. 19:25-20:6; id., Exh. 4 (Carlos Alaniz Jr. Deposition), p. 17:10-15. Thus,
2 evidence of his drug use is relevant to show the relationship plaintiffs had with
3 Alaniz was not as close as they claim. *See Valtierra v. City of L.A.*, 99 F. Supp.
4 3d 1190, 1194 (C.D. Cal. 2015) (“The Court agrees with defendants that evidence
5 of plaintiffs' claimed lack of awareness of decedent's criminal history is relevant
6 to show that plaintiffs' relationships with decedent were not particularly close.”)
7 (simplified).

8 Because the evidence of past drug use is not being used to establish liability,
9 plaintiffs' Federal Rule of Evidence 404 objection is misplaced. Nor is the
10 evidence *unfairly* prejudicial such that it overrides the probative value regarding
11 damages. Fed. R. Evid. 403.

12 **B. Medical Records Documenting Alaniz's Drug Abuse Are Admissible**

13 Pursuant to court order, plaintiffs produced Alaniz's medical records from
14 the VA in discovery. Doc. 41. These records document a history of drug abuse
15 by Alaniz.

16 Plaintiffs object to the admission of these records arguing statements in the
17 records (as opposed to the records themselves) about Alaniz's drug abuse are
18 hearsay. The statements in the records are not hearsay under Rule 803(4) and
19 803(6). *See United States v. Hall*, 419 F.3d 980, 987 (9th Cir. 2005) (“The medical
20 records from Hawkins' hospital visit and the notes of Hall's parole officer were
21 records kept in the ordinary course of business, classic exceptions to the hearsay
22 rule. Fed. R. Evid. 803(6). Hawkins' statements to Dr. Grover, including that her
23 live-in boyfriend had caused her injuries, were statements made for the purpose of
24 medical diagnosis or treatment, and also hearsay exceptions.”).

25 Regardless, defendants have listed as a witness one of Alaniz's doctors that
26 can testify as to his past drug use and he laid the business record exception
27 foundation in his deposition. Further, defendants have listed as a witness a

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1 custodian of records from the VA should it be necessary to lay a foundation for
2 the records plaintiffs themselves produced.

3 **C. The Glass Pipe Is An Admissible Item Of Evidence**

4 A glass pipe was found within the eyeglass case that Alaniz had in his hand
5 at the time of the incident. Roistacher Declaration, Exhs. 11, 12. The glass pipe is
6 relevant to liability and damages. On the latter, it is consistent with a history of
7 drug use, which is relevant to damages. On the former, it is highly relevant to what
8 Silva observed in Alaniz's hands as it could give the appearance of a barrel of a
9 gun. Used for these purposes, the glass pipe is not character evidence under Rule
10 404. And the glass pipe is not more prejudicial than probative.

11 **CONCLUSION**

12 This Court should deny plaintiffs' motion.

13 Dated: March 21, 2025

Dean Gazzo Roistacher LLP

14 By: /s/ Lee H. Roistacher

15 Lee H. Roistacher
16 Attorneys for Defendants
17 State of California by and through
18 California Highway Patrol and
Officer Ramon Silva

19 **CERTIFICATION OF COMPLIANCE**

20 The undersigned, counsel of record for Defendants State of California by
21 and through California Highway Patrol and Officer Ramon Silva, certify that this
22 Opposition To Plaintiffs' Motion In Limine 3 To Exclude Information Unknown
23 To Defendant Ramon Silva At Time Of Incident contains 1,092 words, which:

24 X complies with the word limit of L.R. 11-6.1.

25 complies with the word limit set by court order dated [date].

26
27 Dated: March 21, 2025

/s/ Lee H. Roistacher

Lee H. Roistacher, declarant

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